

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-943

April 2, 2002

RAY GRUNDY, ET AL.
Request for Commission Investigation Into
Central Maine Power Company's Power
Outages in the Phillips Area

ORDER DISMISSING
COMPLAINT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

After a summary investigation into the Complaint filed by Ray Grundy and 14 others (Complainants) against Central Maine Power Company (CMP), we believe that CMP has taken adequate steps to address the Complainants' concern by significantly reducing the frequency of short interruptions in electric service. Because CMP has addressed the Complainants' concerns, we dismiss the Complaint pursuant to 35-A M.R.S.A. § 1302(2).

II. PROCEDURAL HISTORY

On November 21, 2000, Ray Grundy filed a complaint against CMP on behalf of himself and 14 other persons. The Complaint, filed pursuant to Section 1302 of Title 35-A M.R.S.A., asked the Commission to open an investigation into frequent, short-term power outages in the Phillips area.¹ CMP filed its answer to the Complaint on December 4, 2000, asking that the Commission address Mr. Grundy's Complaint through his pending complaint with the Consumer Assistance Division (CAD) of the Commission and suspend any action on this matter to allow CMP the opportunity to contact the other Complainants to evaluate fully the basis of their concerns and take reasonable steps to resolve this matter. In addition, CMP requested the opportunity to amend its response and report to the Commission on the results of the Company's efforts to resolve this matter with the Complainants.

On January 16, 2001, the Company filed an updated response in which it reported on steps it had taken to resolve the Complainant's concerns. On March 16, 2001, CMP filed an additional updated response and Request to Dismiss the Complaint. According to CMP, the Company had removed the cause of the Complaint. In response to CMP's filing, Mr. Grundy filed a letter contesting CMP's claim and stating that problems with outages and power surges still remained. On June 6, 2001, the Public Advocate filed a letter outlining his position on the Complaint and describing the results of interviews with some of the Complainants. The Public Advocate outlined a number of

¹ Separate from this case, Mr. Grundy has filed a claim at CMP for damage which he alleges was caused by the outages. This claim is currently pending.

steps that he recommended the Commission order CMP to take to address the concerns of the Complainants.

On July 30, 2001, the Commission held a technical conference. Mr. Grundy, the Public Advocate and CMP participated in the conference. At the conference, Mr. Grundy described some of the outages that had occurred and his desire to prevent any future damage to his property resulting from outages. Mr. Grundy also agreed that the case should continue beyond the nine-month statutory period for resolving ten-person complaints.

CMP described the electric distribution system in the area serving Mr. Grundy and the other petitioners, and some of the possible causes of the brief outages that are at issue in this case. CMP also described the steps it had taken to identify the causes of the outages, monitor the frequency of the outages and reduce the number of outages affecting Mr. Grundy and the other petitioners.

CMP indicated that it taken the following actions on the issues raised in the Complaint:

- reviewed the condition of the line equipment and the tree trimming on the circuit;
- scheduled maintenance and tree trimming which were completed in April 2000;
- performed additional tree trimming in a few hot spots;
- added two additional reclosers to the circuit,
- installed a voltage scanner on Mr. Grundy's line on November 13, 2000;
- conducted field checks of recloser counts on the 841 circuit;
- discovered an imbalance in the loads on one of the three-phase reclosers; and
- completed on January 17, 2001 the engineering redesign which balanced the load.

The participants at the conference developed the following course of action to obtain additional information regarding the cause and severity of the problem:

- CMP would install an unloaded transformer and voltage recorder on the line beyond Mr. Grundy in order to check the voltage on the line that serves the Complainants.

- CMP would then monitor the voltage for 30 days and file a report of its findings with the Commission.
- The Public Advocate would issue a survey to the Petitioners that would be sent out the second week in September. The survey asked Petitioners to report outages and interruptions and provide specific information about the time, date and duration of the outages and interruptions. The completed surveys were to be sent to the Commission.
- A second technical conference would be scheduled to review the survey results and CMP's test results.

On November 1, 2001, CMP filed with the Commission its Madrid Voltage Monitoring Study. The monitoring period in the report was for the period of August 31 through October 22, 2001. In the report, CMP describes the monitoring it performed and the monitoring results. CMP reported that, during the 52-day monitoring period, there was only one instance lasting one minute where the voltage reached 127-volts, which exceeds the voltage range allowed by Chapter 32 of the Commission's rules. CMP determined that the 127-volt recording was an anomaly resulting from the method used to compute the average voltage for a one-minute interval combined with the effects of multiple voltage regulators in a series. CMP's study also showed that there were two recorded interruptions of electric service during the monitoring period. Both outages were 2 seconds in duration and were the result of recloser actions.

On November 6, 2001, the Commission held a second technical conference. Mr. Grundy, the Public Advocate and CMP participated in the conference. At that conference, CMP reviewed the results of its Madrid Voltage Monitoring Study and further explained the reason for the 127-volt anomaly. CMP stated their view that nothing further could be done to improve service to Complainants. According to CMP, the number of interruptions that are occurring now are not excessive for a rural circuit.

Staff provided the parties with a chart summarizing the responses to the six customer surveys returned to the Commission (The Public Advocate had sent out approximately 18 survey forms.) and reviewed the chart with the technical conference participants. The chart, appended hereto as Attachment A, showed that two of the six customers reported one outage during the September monitoring period. Two respondents commented that the outages/interruptions continued and did not indicate any decrease in frequency while two others commented that the frequency of the outages had decreased.

Mr. Grundy acknowledged that his service had improved and that he experienced fewer interruptions or outages. He further indicated that service had improved to a level that he found acceptable.²

² Mr. Grundy also raised a concern about service at the neighboring fish hatchery (the owner of which is not one of the Complainants in this case). CMP indicated both

On January 8, 2002, Commission Staff (Staff) recommend that the Complaint be dismissed. The Public Advocate filed comments agreeing that service in the area serving Complainants had "improved to a point where this case can be closed." Mr. Grundy did not file any objections to the Staff's Recommended Decision.

III. DISCUSSION

The Complainants in this case were concerned about frequent short interruptions in service. At the time of the filing of the Complaint, some of the Complainants alleged that the interruptions occurred daily; some alleged that the interruptions occurred weekly.

These brief interruptions result from the operation of protective devices called reclosers. According to a CMP engineer, reclosers function as circuit breakers:

When they sense a fault on the line, they open up for two cycles and then they close back in so hopefully the fault will clear itself. They go through a number of these operations, which we call two quick operations and two delay operations because what we have found is a good percentage of these faults are temporary in nature, and if you give the circuit the opportunity to clear itself, it will, which then people are not out of power, you don't have to dispatch crews and everybody is back in power. The downside is when that power interrupts for those two cycles, some devices such as digital clocks and VCRs will blink.

Tr. A at 17.

Between the substation in Madrid and the Complainants' houses there are seven reclosers, according to CMP. Short interruptions of service caused by recloser operations would be experienced by customers taking service between the recloser that is cycling and the end of the distribution line. Because Mr. Grundy and the other Complainants take service at or near the end of the line, they experience more of these short interruptions than customers who have fewer reclosers between them and the substation. This situation is typical for customers living in rural areas especially those at the end of a distribution line. See *R Boyd Thompson v. Bangor Hydro-Electric Company*, Docket No. 1996-245, Order Approving Settlement Agreement (July 11, 2001) (finding that the occurrence of some number of outages is typical of a rural coastal area with many private lines).

CMP took numerous steps to identify and resolve the problems leading to the frequent service interruptions and, while it is clear that some very brief service interruptions continue on a sporadic basis, the record reflects a significant improvement in service and a corresponding decrease in the Complainants' concern about the frequency of interruptions. Of the 15 Complainants, only six responded to the survey

at the conference and in a subsequent filing that the issue involving service to the hatchery had long ago been resolved.

and only two reported that the frequency of the interruptions had not decreased. Significantly, Mr. Grundy acknowledged that the frequency of the interruptions had decreased and that the current level of service was acceptable to him. Further, there is evidence that the frequency and duration of such interruptions are consistent with service provided in other rural areas.

Section 1302(2) of Title 35-A provides that if the Commission is satisfied that the utility has taken adequate steps to remove the cause of the complaint, the complaint may be dismissed. This section also provides that the Commission may allow for all parties to attempt to resolve the complaint to their mutual satisfaction.

CMP took reasonable steps to remove the cause of the complaint, and service is now at a level acceptable to the lead complainant (and apparently most if not all the other Complainants in the case). Further, service appears to be at a level consistent with other rural areas. For all of these reasons, we dismiss the Complaint.

Dated at Augusta, Maine, this 2nd day of April, 2002.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.